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\*\*E-filed 12/16/05\*\*

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ALEXANDER DZHUGA, )  
a/k/a Aleksandr Dhuga, )  
a/k/a Aleksandr Dzhuga, )  
LEONID DZHUGA, )  
VLADIMIR A. SEMENOV, )  
NATALIA IGOREVNA STADNIK, )  
a/k/a Natalia Stadnik Dzhuga, and )  
ARMOND TENNYSON TOLLETTE II, )  
a/k/a Armond T. Tollette, Jr., )  
 )  
Defendants. )

No. CR 05-00589-JF

STIPULATION AND ~~PROPOSED~~  
ORDER TO EXCLUDE TIME UNDER  
THE SPEEDY TRIAL ACT FROM  
NOVEMBER 2, 2005 TO FEBRUARY 8,  
2006

STIPULATION

1. On November 2, 2005, the parties in the above-captioned case appeared before the Court for their first appearance in federal district court. At the hearing, Alexander Dzhuga was represented by Mark Werksman, Leonid Dzhuga was represented by Dmitry Gurovich, Vladimir

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1 Semenov was not represented, but indicated that he was attempting to hire an attorney, Natalia  
2 Stadnik was represented by Elon Berk, and Armond Tollette was not represented. Mr. Tollette  
3 indicated that he had retained an attorney, Kurt Robinson, but that Mr. Robinson had a conflict  
4 that prevented him from appearing at the hearing.

5 2. The government raised its concerns of a potential conflict based on the fact that Mr. Berk  
6 and Mr. Gurovich are each representing a defendant in this case despite being employed by the  
7 same law firm.

8 3. The government also informed the Court that discovery had not yet been produced, but it  
9 an initial production would be available within approximately one week to any defendants who  
10 requested it in writing. The initial production will consist of over 10,000 pages of documents.

11 4. The parties requested a continuance until February 8, 2006 at 9:00 in order to allow the  
12 defendants to finalize their representation and to allow the defendants to request and review the  
13 voluminous discovery in the case in order to adequately prepare for trial.

14 5. All present stipulated and agreed that time should be excluded from November 2, 2005  
15 through and including February 8, 2006 from the Speedy Trial Act under 18 U.S.C. §§  
16 3161(h)(8)(A) and (B)(iv) in order to allow the defendants to obtain counsel as well as a  
17 reasonable amount of time for the defense to effectively prepare for trial, taking into account the  
18 exercise of due diligence.

19 SO STIPULATED.

20 DATED: 11/14/05

21 /s/  
MARK J. WERKSMAN  
Attorney for Defendant A. Dzhuga

22  
23 DATED: 11/22/05

24 /s/  
DMITRY Y. GUROVICH  
Attorney for Defendant L. Dzhuga

25 DATED:

26 VLADIMIR SEMENOV  
Defendant

27  
28  
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1 DATED: 11/20/05

/s/ \_\_\_\_\_  
ELON BERK  
Attorney for Defendant Stadnik

3 DATED: 11/22/05

/s/ \_\_\_\_\_  
KURT ROBINSON  
Attorney for Defendant Tollette

6 DATED: 12/9/05

/s/ \_\_\_\_\_  
CANDACE KELLY  
Assistant United States Attorney

9 ORDER

10 The Court finds that there is good cause for the extension of time described above, and  
11 that the ends of justice served by granting this continuance outweigh the best interests of the  
12 public and of the defendants in a speedy trial and the prompt disposition of criminal cases. 18  
13 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the continuance would deny  
14 the defendants reasonable time to obtain counsel and would deny defense counsel the reasonable  
15 time necessary for effective preparation taking into account the exercise of due diligence and  
16 continuity of counsel under 18 U.S.C. § 3161(h)(8)(B)(iv).

17 Accordingly, and with the consent of the defendant, the Court continues the matter to  
18 February 8, 2006 at 9:00 a.m. for a status hearing and orders that the period from November 2,  
19 2005 through and including February 8, 2006 be excluded from the Speedy Trial Act calculations  
20 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

21 IT IS SO ORDERED.

22 Nunc pro tunc to 11/2/05

23 DATED: 12/16/05

/S/ELECTRONIC SIGNATURE AUTHORIZED  
JEREMY FOGEL  
UNITED STATES MAGISTRATE JUDGE

25  
26  
27  
28  
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